IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.3769 of 2005

Suryavanshi Kshyatria Kunbi Samaj Mandal...petitioner
vs
State of Mah and ors..Respondents

Mrs Neeta Karnik for petitioner
Mr. P I Khemani AGP for State
Mr.Satish Kekare for respondent no. 7

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.
Dated 2l.6.2005

P.C:

. The dispute in this petition is whether the land in question belongs to the community (Gavki) or whether it belongs to the respondent nos.7 and 8. The respondent nos. 7 and 8 have filed suit for injunction and in that suit a decree has been passed by the civil court. The civil court has recorded finding that respondent nos 7 and 8 are in possession of the land in dispute. Against this decree an appeal was filed but that appeal has been dismissed by the district court on merits. The issue of title cannot be gone into in writ jurisdiction under Art 226 of the Constitution of India. In order to establish their title petitioner must file a substantive suit and seek appropriate declaration from the civil court. Petition is dismissed with liberty to the

petitioner to adopt appropriate remedy.